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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. **2009-212**

13 **CLAUDINE A. MORA, aka**
14 **CLAUDINE ANNETTE MORA aka**
15 **CLAUDINE ANNETTE ROBERTS**
750 East Northern, #1119
Phoenix, Arizona 85020

A C C U S A T I O N

16 Registered Nurse License No. 391058

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about August 31, 1985, the Board issued Registered Nurse License
26 Number 391058 ("license") to Claudine A. Mora, also known as Claudine Annette Mora and
27 Claudine Annette Roberts ("Respondent"). The license will expire on June 30, 2009, unless
28 renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)


3 8. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Arizona
5 Registered Nursing License was disciplined by the Arizona State Board of Nursing ("Arizona
6 Board"). Effective May 14, 2008, in the action entitled, *In the Matter of Professional Nurse*
7 *License No. RM 123991 Issued to Claudine Annette Mora*, pursuant to Consent Agreement and
8 Order No. 0605080, Respondent's Arizona Registered Nurse License No. 123991 was placed on
9 twenty-four months probation with terms and conditions. A copy of the Arizona Board's
10 Consent Agreement, Findings of Fact, Conclusions of Law, and Order is attached as **Exhibit A**,
11 and is incorporated herein.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 391058 issued
16 to Claudine A. Mora, also known as Claudine Annette Mora and Claudine Annette Roberts;
17 2. Ordering Claudine A. Mora, also known as Claudine Annette Mora and
18 Claudine Annette Roberts to pay the Board the reasonable costs of the investigation and
19 enforcement of this case, pursuant to Code section 125.3; and,
20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 3/23/09

22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

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EXHIBIT A

Arizona Board's Consent Agreement, Findings of Fact, Conclusions of Law, and Order

Janet Napolitano
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200

Phoenix AZ 85014-3653

Phone (602) 889-5150 Fax (602) 889-5155

E-Mail: arizona@azbn.org

Home Page: <http://www.azbn.org>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **CLAUDINE ANNETTE MORA**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85020 on July 10, 2008.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL NURSE)
 LICENSE NO.: RN123991)
 ISSUED TO:)
 CLAUDINE ANNETTE MORA)
 RESPONDENT)

CONSENT AGREEMENT
 AND
 ORDER NO. 0605080

CONSENT AGREEMENT

A complaint charging Claudine Annette Mora ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN123991.
2. From on or about October 2006, until present, Respondent has been employed at Maryvale Hospital in Phoenix, Arizona.
3. On or about December 25, 2006, Respondent was assigned to patient J.C. from 0700 to 1900. J.C. was critical in the intensive care unit (ICU). J.C. was intubated and had been very agitated, confused, and combative during the previous shift.
4. According to the medical record review, the nurse on the previous shift assigned to J.C. had medicated J.C. with Diprivan 5cc intravenously (IV) from on or about 11:35 p.m. to 6:45 a.m. for a total of 60 mg. The nurse told Respondent she received a verbal order from

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the patient's physician for the Diprivan, and that she administered Diprivan during the previous shift. There was no valid physician order written in the medical record. On or about December 26, 2006, the nurse who took the verbal order made a "late entry" for the Diprivan which read "give patient small amount of Diprivan to sedate the patient and watch blood pressure closely." The ordering physician later confirmed giving the order for administration of Diprivan to the patient and admitted he did not specify how the Diprivan was to be given.

5. On or about December 25, 2006, at or about 11:30 a.m., J.C. became very agitated. Respondent said she asked another RN to assist her. Respondent asked the RN to give J.C. some Diprivan. Respondent and the other RN administered Diprivan to J.C. through an IV push. The administered amount in that instance was 2 ml.

6. Respondent made a "late entry" in the medical record which was undated and untimed. The late entry stated that a small amount of Diprivan was given to sedate the patient. Respondent signed her name to the late entry but denied that she is the one who had administered the Diprivan to J.C. Respondent did not document the administration of Diprivan in the Medication Administration Record (MAR).

7. From on or about November 2003 until present, Respondent has been employed by CurastatRegistry in Phoenix, Arizona.

8. On or about May 20 and 21, 2006, Respondent was requested to provide patient care at Maricopa Medical Center in Phoenix, Arizona. Respondent was assigned to the MMC intensive care unit. Respondent was asked to assist with patient D.L., who weighed approximately 600 pounds, was in two point restraints, was receiving physician ordered sedation, and had an endotracheal tube in place by which she received ventilation support.

9. On or about May 20, 2006, while Respondent and another nurse attempted to reposition D.L., D.L. attempted to self-extubate the endotracheal tube. Two staff said they observed Respondent shout at the patient "knock it off". They also reported seeing Respondent "slap" the patient on the arm. Respondent admitted she had "tapped" the patient on the arm, but denied she had physically or verbally abused the patient. According to Respondent, she was concerned that an unplanned extubation would be life-threatening to D.L. Respondent admitted she had used a very firm tone of voice when speaking to the patient and she intended to remind the patient that she could hurt herself if she continued to try to self-extubate. According to Respondent, immediately after she intervened, D.L. ceased her attempt to self-extubate and allowed herself to be repositioned without further incident.

10. From on or about August 2002 until October 2002, Respondent was employed at Boulder City Hospital in Boulder City, Nevada.

11. On or about October 29, 2002, Respondent was counseled because of multiple complaints from patients and co-workers that Respondent had a demanding attitude and a gruff behavior towards the patients. Respondent resigned on or about October 2002.

12. From on or about 2000 until December 2001, Respondent was employed by Professional Nursing Services Registry in Nevada, California.

13. On or about July 2002, Respondent was assigned to work at Carson Tahoe Hospital in Carson City, Nevada. During her assignment Respondent was counseled on or about July 15, 2000, August 4, 2000, August 8, 2000, and September 4, 2000, because of complaints regarding her rudeness, verbal disputes with staff, and her allegedly belligerent behavior.

14. On or about September 8, 2000, Respondent's travel assignment at Carson Tahoe Hospital was terminated.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact support Board action pursuant to A.R.S. § 32-1663 (D) for violations as defined in § 32-1601 (16) (d) and (j); and A.A.C. R4-19-403 (7) (9) (12) and (31); (adopted effective November 13, 2005).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663(D) or 32-1664 (N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 17 of this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

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T-258 P004/013 F-330

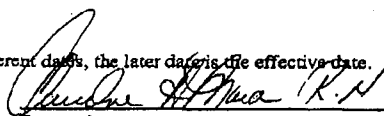
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Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between the Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent.

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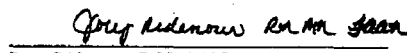
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If the Consent Agreement is signed on different dates, the later date is the effective date.


Respondent

Dated: 5-7-08

ARIZONA STATE BOARD OF NURSING


Joey Ridenour, R.N., M.N.
Executive Director

Dated: March 26, 2007 May 14, 2008

TORREZ/RN123991.MOR A

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing is accepted.

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FROM : +14809073323 Bivens & Associates, - DATE : 07:05:08 20:53 - TO : +16029235726 D 6/13

B. Respondent's license is placed on probation for twenty four months. Prior to termination of probation, Respondent shall work as a professional nurse for a minimum of twenty four months (not less than sixteen hours a week).

C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.

D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years.

F. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "PROBATION." While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

2. Counseling

Within thirty days of the effective date of this Order, Respondent shall submit to the board for approval the name of a treatment professional of Respondent's choice to conduct psychological counseling to explore and to develop and implement a plan for increased assertiveness and reduced aggressiveness in professional communications. The treating provider should have at minimum a Ph.D, Psy.D or a Nurse Practitioner specializing in Psychology or Psychiatry. Within seven days of receipt of approval from the Board Respondent shall make an appointment to begin participation in treatment. Respondent shall execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement and also the Anger Management Evaluation from Jacquelyn St. Germaine, Ph.D., LISAC. Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue to undergo treatment for the duration of the probation unless and until the treating professional(s) notifies the Board prior to termination of the probation period, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

3. Ethics, Communication and Documentation Aspects of Nursing

Within thirty days from the effective date of this Order Respondent shall make an appointment to undergo a nursing ethics, communication and documentation course. Alternative, Respondent may make arrangements to incorporate nursing communication, documentation and ethics into the counseling described in paragraph 2 above. If Respondent

chooses to take a course, then prior to beginning the course, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the course director. If Respondent chooses to fulfill this stipulation by participation in counseling, Respondent shall execute the appropriate release of information form(s) to allow the counselor to communicate information to the Board or its designee, and to allow the Board Staff to release to the evaluator copies of Respondent's evaluation results from Jacequelyn St. Germaine, Ph.D. Prior to beginning the course or counseling, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the counselor or course director. Respondent shall cause the course director or counselor to notify the Board in writing within thirty days of entry into the course or therapy, and to verify in that same letter receipt of the Consent Agreement and Order to include Findings of Fact.

Respondent shall undergo and continue treatment or course attendance until the course director or treatment professional determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary or the course has been successfully completed by the Respondent. During the duration of the course of counseling Respondent shall have the treatment professional or course director provide written reports to the Board every three months. The Board reserves the right to amend this Order based on the recommendations of the course director or treatment professional.

4. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's

receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event the Respondent enrolls in a nursing program not otherwise specified in paragraph 3 above, Respondent shall provide a copy of the Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

5. Quarterly Reports

Within 7 days of each assigned quarterly reporting due date, if Respondent is working in any position which requires RN licensure Respondent shall cause every employer Respondent has worked for during the quarter to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due on the first assigned quarterly report due date after the effective date of the Order. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which required RN licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the Board-approved form. Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

6. Practice Under Direct Supervision

Respondent shall practice as a professional nurse only under the direct supervision of a professional nurse in good standing with the Board. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent when ever Respondent is practicing as a professional. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

7. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Day shift is defined as a shift that begins no earlier than 6:00 a.m. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 96 scheduled hours.

Respondent may not work more than three consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period. Respondent may work incidental overtime, to conclude end of shift patient care, as required by Respondent's employer or as necessitated for patient safety and welfare.

8. Registry Work Restricted

Respondent is allowed to work for Curastat Registry or for another registry provided she is scheduled in exclusive or block assignments of no less than twelve weeks. If Respondent needs change registries from Curastat Registry to another registry, she must ask for prior approval from staff in the Monitoring Department. Respondent may not work for any other nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status unless such registry can, and agrees to provide supervision as required under Section 6 above.

9. Out-of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board's Monitoring Department prior to leaving the state provided the Respondent has been fully compliant with the terms of this Consent Agreement. If Respondent has not been fully compliant with the terms of this Consent Agreement, Respondent must get Board approval. If Respondent fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

10. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. If Respondent fails to execute the releases, her license shall be reviewed by the Board for consideration of possible further discipline on Respondent's license.

11. Interview With the Board or Its Designee

Respondent shall appear in person or if residing out of state, then shall appear telephonically, for interviews with the Board or its designee upon written request to Respondent of to Respondent's designated agent at various intervals and with reasonable notice.

12. Renewal of License

In the event the Respondent's professional nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

13. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

14. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil traffic moving violations are excluded.

15. Costs

Respondent shall bear all costs of complying with this Order.

16. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke

probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

18. Completion of Probation

Upon successful completion of the terms of probation, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N., M.N.

Joey Ridenour, R.N., M.N.
Executive Director

Dated: May 14 2008

REVISED COPY mailed this ___ day of April 2008, by First Class Mail, to:

Kelly McDonald
Bivens & Associates
5020 E. Shea Blvd, Suite 210
Scottsdale, AZ 85254

AND COPY to:

Claudine Annette Mora
750 East Northern Avenue, #1119
Phoenix, AZ 85020